IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3203 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHANTILAL PRAGJIBHAI

Versus

MIHIR TEXTILE LTD.

Appearance:

1. Special Civil Application No. 3203 of 1992

MR MUKUL SINHA for Petitioner No. 1

Mr.K.B. Nayak for M/S TRIVEDI & GUPTA for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 10/04/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Mukul Sinha for the

petitioner and Mr. K.B. Nayak for M/s. Trivedi & GUpta for the respondents. IN this petition, the petitioner has challenged the order passed by the Industrial Tribunal, Ahmedabad in APpeal No. 20 of 1991 dated 20.2.1992. This petition was admitted by this court by issuing rule returnable on 20th July, 1992, by order dated 7th May, 1992.

It was submitted by the learned advocate Mr. Nayak appearing for the respondents that the parties have arrived at an amicable settlement in respect of the present petition. Original settlement arrived at between the parties has been placed on record. As per the said settlement, the petitioner workman is receiving Rs.2,11,000.00 (Rs. two lacs eleven thousand only) as a full and final settlement and accordingly the order passed by the industrial tribunal in the aforesaid matter is required to be modified in terms of the said settlement.

The petitioner SHANTILAL PRAGJIBHAI who is personally present before this Court has, on being asked by the COurt as to what is the settlement, answered that he is now receiving Rs.2,11,000.00 from the respondents as full and final settlement of the preset petition.

Learned advocate Mr. Mukul Sinha appearing for the petitioner has no objection if the said settlement is recorded and the order made by the tribunal in aforesaid appeal is modified in terms of the said settlement. The petitioner SHANTILAL PRAGJIBHAI who is present before this Court has also stated that the settlement may be recorded and has also stated before this court that he has signed the said settlement after going through the contents of the said settlement. Said settlement has been signed by Mr. B.B. Thesia advocate for the petitioner who was appearing for the petitioner before the labour court and the tribunal. Said settlement has been signed by Mr. P.k. Shah, Manager of Ashima Syntex who is also present before this Court. Learned advocate Mr. Nayak for the respondents has handed over the cheque of Rs.2,11,000.00 to the petitioner workman and the workman has accepted the same before this Court. Petitioner Workman is directed to acknowledge receipt of the said cheque to the respondent.

According to my opinion, it was agreed by the workman to receive Rs.2,11,000.00 as full and final settlement of the claim in respect of the present petition and, therefore, considering the fact, the order made by the industrial court is required to be modified.

In view of these facts, the said settlement is taken on the record of this petition and the order passed by the industrial court in appeal no. 20 of 1991 dated 20.2.1992 is hereby modified in terms of the said settlement dated 8.4.2003. Parties are directed to act accordingly in terms of the said settlement. Rule is made absolute in terms indicated hereinabove with no order as to costs.

Dt.10.4.2003. (H.K. Rathod,J.)

Vyas